

# 2010 Article 2-B Changes





# Overview

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- ❖ Many of the changes were linguistic (modernizing terms - e.g., civil defense to emergency management)
- ❖ Modified/added a few definitions
- ❖ Added members to the DPC
- ❖ Added a new section 29-h



# Executive Law § 20

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- ❖ (a) Definition of “disaster” amended to include bioterrorism, cyber event, nuclear, chemical, biological or bacteriological release.
- ❖ (g) “Disaster emergency response personnel” which means “agencies, public officers, employees, or affiliated volunteers having duties and responsibilities under or pursuant to a CEMP.” This term replaces references to “civil defense forces” throughout 2-B.
- ❖ (h) “Emergency management director” which means “the government official responsible for emergency preparedness, response and recovery for a county, city, town, or village.” This term takes the place of “civil defense director” throughout 2-B.



# Executive Law § 21

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- ❖ New agencies added to the DPC:
  - ❖ Parks, recreation and historic preservation
  - ❖ Correctional services
  - ❖ Children and family services
  - ❖ Division of homeland security and emergency services (all 5 offices of the Division have representation on the DPC as well)
  - ❖ Office of victim services
  - ❖ MTA
  - ❖ PA NY/NJ



# Executive Law § 21

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- ❖ Commissioner of DHSES designated as the chair of the DPC with vice chair appointed by the Governor
- ❖ Powers of the state civil defense commission formally transferred to the DPC
- ❖ NYS Office of Emergency Management designated as the staff arm of the DPC & responsible for implementing 2-B



# Executive Law § 24

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- ❖ (f) amended to add authority for a chief executive to establish alternate medical care sites in consultation with the state commissioner of health
- ❖ Previously this section allowed only the establishment of shelters and medical shelters



# Executive Law § 29

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- ❖ Amended to substitute “disaster emergency response personnel” for the outdated “civil defense forces”
- ❖ Provides liability protection for personnel responding to a disaster, including volunteers
- ❖ Volunteers have to be affiliated with and recognized in the CEMP (e.g., CERT, MRC)
- ❖ Personnel receive the same protections as if they were part of civil defense forces acting pursuant to the Defense Emergency Act (DEA)
- ❖ DEA provides immunity from liability for acts which cause damage or injury, either in response to an event, or during a drill



# Executive Law 29-h

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- ❖ Creates the Intrastate Mutual Aid Plan (IMAP)
- ❖ Establishes the IMAP committee (under the DPC)
  - ❖ Commissioner of DHSES is the Chair
  - ❖ Commissioners of Health and Agriculture and Markets
  - ❖ Fire Administrator
  - ❖ 5 representatives from local public safety or emergency response agencies (to be appointed by the Chair)



# IMAP

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- ❖ Committee is responsible for:
  - ❖ Promulgating any rules or regulations necessary to implement IMAP
  - ❖ Developing policies, procedures and guidelines associated with the program, including a process for the reimbursement
  - ❖ Evaluating the use of the program
  - ❖ Examining issues facing participating local governments regarding implementation of IMAP
  - ❖ Preparing reports to the DPC related to effectiveness of the program and making recommendations for improvements
- ❖ Committee shall meet at least twice a year



# IMAP

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- ❖ All jurisdictions are automatically included in the program unless they opt-out, in writing
- ❖ Does not affect existing agreements or other mutual aid programs established in law
- ❖ Only available when there is a locally-declared emergency
- ❖ DHSES responsible for:
  - ❖ Notifying all jurisdictions about the program and their ability to opt out;
  - ❖ Maintaining a list of all participants;
  - ❖ Providing operational support;
  - ❖ Identifying best practices; and
  - ❖ Providing assistance with development, implementation and management of a state-wide resource typing system



# What's not included in IMAP?

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- ❖ Liability - not addressed except to say that each jurisdiction is responsible for maintaining insurance as it deems appropriate
- ❖ Credentialing (portability of powers, duties, and authority) for police officers and EMS personnel